

This record is a partial extract of the original cable. The full text of the original cable is not available.

241202Z Mar 05

C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000595

SIPDIS

STATE FOR SA/INS

E.O. 12958: DECL: 03/23/2015

TAGS: [PHUM](#) [PGOV](#) [KCRM](#) [CE](#)

SUBJECT: SRI LANKA: SUSPECTED "ENCOUNTER" KILLINGS BY
POLICE RISE IN CAPITAL

REF: 04 COLOMBO 1896

Classified By: DCM JAMES F. ENTWISTLE. REASON: 1.4 (B,D).

SUMMARY

1. (SBU) Over the past four months, 17 suspected criminals have been shot and killed as they were being taken into police custody, primarily in Colombo and surrounding areas. Although police versions of such incidents invariably claim that the suspects attempted to shoot or otherwise injure police while resisting arrest, there are no corresponding reports of gunshot or stabbing injuries suffered by police to back up these accounts. Inquests conducted by a magistrate in 16 of the cases found the officers involved used justifiable force; one case remains pending. The increase in such killings coincides with a directive to the police from the President to reduce crime in Colombo following the November slaying of a judge in front of his Colombo residence (Reftel). Poloff has expressed concern at the incidents to a senior police official, citing possible Leahy Amendment implications. The Embassy will continue to monitor the situation. End summary.

CRACKING DOWN ON CRIME,
COLOMBO STYLE

2. (SBU) Since late November, at least 17 crime suspects have been shot and killed, mostly in Colombo and its environs, allegedly as police attempted to apprehend them. Police accounts of the incidents generally claim that the suspects, nearly all of whom are identified in the press as underworld figures, attempted to resist arrest by displaying weapons--usually handguns or hand grenades. (According to one particularly interesting, if rather implausible, story, the suspect attempted, while handcuffed in a squad car, to strangle a policeman.) There are no corresponding accounts, however, of any policemen sustaining gunshot or stabbing injuries as a result of these encounters.

3. (SBU) The spike in such killings coincides with a "get-tough-with-crime" campaign set in motion through public--and Presidential--outrage at the bold day-time killing of Judge Sarath Ambepitiya in front of his Colombo home on November 19 (Reftel). In the aftermath of that high-profile slaying, President Chandrika Kumaratunga made clear her displeasure at the spiraling crime rate in Colombo and threatened to revive the (still legal but never implemented) death penalty. On November 22 newly appointed Inspector General of Police Chandra Fernando (who took office just the previous month with a pledge to reduce crime) told the Ambassador and RSO that he envisioned more aggressive police pressure on organized crime. The following day, the first apparent "encounter" killing of two suspected gangsters took place in a Colombo suburb. Since then, the succeeding months have seen similar occurrences (five killed in three incidents in December; seven killed in three incidents in January; and three killed in three incidents in March).

HUMAN RIGHTS COMMISSIONER SEES TREND

4. (SBU) Dr. Radhika Coomaraswamy, Chairperson of the Human Rights Commission, attributes the uptick in killings to an overall lack of capacity within the police. Increasingly, Coomaraswamy said, confessions obtained by police from criminal suspects are being thrown out in court on suspicion that the confession was obtained under duress--the time-honored method of conducting investigations used by Sri Lankan police even before the ethnic conflict. While the court's increased vigilance is a good development, she indicated, it has not been accompanied by sufficient efforts to upgrade the technical capacity and expertise of the civil police. The result has been mounting frustration on the part of the police as they witness many "known" criminals set free because of lack of evidence--as well as an openly adversarial

relationship with human rights groups. Moreover, Coomaraswamy added, many average citizens (including her own mother) weary of rising crime support efforts, however extra-judicial, to clean up the streets. (The positive press coverage that characterizes recent reporting of such incidents seems to back up this assumption.) She added that she has no evidence of high-level sanction of the new tactics.

15. (U) The Human Rights Commission summoned IGP Fernando on March 21 to discuss the killings, which, according to the press release issued the same day, the Commission characterized as extra-judicial. According to Coomaraswamy, the IGP, not surprisingly, denied having any policy encouraging or condoning extra-judicial killings. In response, the Commission, with the full-time help of a retired High Court judge, will examine inquest proceedings on the cases and will establish a committee to recommend improvements to "the rule of law with particular reference to crime prevention, prosecution and punishment," according to the statement.

16. (C) Noting that the new IGP had attended numerous human rights seminars and training workshops, Coomaraswamy described him as "more savvy" and self-assured than his predecessors--and thus, in some respects, harder to work with. His two predecessors had been slightly intimidated by the Commission; Fernando, on the other hand, seems confident that he can parley public support for his tactics--along with lip service to human rights tenets--into a freer hand. She noted that he had complained repeatedly in public meetings about the Commission impeding police work. After she sent him a letter advising him that his remarks were inappropriate, he ceased making such comments in public. On the other hand, she credited him with making several difficult decisions, including firing almost 40 officers since his appointment, and taking tough action against four policemen suspected of killing a former detainee. Now that the pattern of "encounter" killings had attracted unwanted attention--and the IGP had already achieved his purpose of putting "the fear of God" into underworld gangs--the incidents will likely cease, she speculated.

THE VIEW FROM THE SQUAD CAR

17. (SBU) Jayantha Wickramaratna, Deputy Inspector General (DIG) for Crime, told poloff in a March 24 meeting that the police fully respect human rights, noting that human rights is an important component of training for inductees into the police force. Wickramaratna blamed both the increase in organized crime and the lack of police capacity to address the phenomenon on Sri Lanka's lengthy ethnic insurgency. During the conflict, he said, police were taken away from their normal duties to provide VIP security, to man checkpoints and to guard sensitive infrastructures. New recruits were not trained in civil policing methods. At the same time, he said, the high level of desertions among Sri Lankan Army soldiers added two undesirable new elements to the existing criminal underworld in Sri Lanka: a proliferation of readily available automatic weapons and grenades (apparently the weapon of choice in criminal gangs) and desperate, unemployed young men trained in their use.

18. (SBU) Since the ceasefire between the Government and the Liberation Tigers of Tamil Eelam (LTTE) in 2002, however, training of police personnel has been given priority, Wickramaratna said. Upgrading investigative skills is a key need, Wickramaratna agreed, adding that at present only 4 percent of those indicted for "grave" crimes are convicted. Following Ambepitiya's killing, the President had asked the police to identify problems faced in trying to curb the crime rate. According to Wickramaratna, four key areas were cited: a) the 24-hour limit on how long police may keep suspects without producing them before a court; b) lengthy delays in the judicial system (a case filed today will likely not be adjudicated until 2008); c) non-implementation of the death penalty; and d) intimidation of witnesses and the lack of a witness protection program. (Wickramaratna estimated that about 20-25 witnesses in criminal cases were murdered in Sri Lanka during the past year.) The Government has taken one of the suggestions on board, he noted; on March 22 the Justice Minister tabled an amendment to the Criminal Code to allow police to hold suspects for 48 hours. (Note: Coomaraswamy believes that Government coalition partner Janatha Vimukthi Peramuna (JVP), which waged a violent insurgency against the Government in the late 1980s during which countless JVP cadres "disappeared," will oppose the amendment. End note.)

19. (SBU) Poloff noted the growing U.S. program of law enforcement training, designed to improve police capacity. This year the Embassy is sponsoring INL-funded ICITAP courses in community policing aimed at helping the civilian police make the transition from maintaining law and order during the conflict, when emergency legislation gave them more extensive

powers to detain and question suspects, to the more "normal" time of the ceasefire. (Courses will also be offered on crime scene investigation and criminal case building.) In addition, the Government Analyst has approached the Embassy to fund about USD 200,000 for laboratory equipment to analyze forensic evidence gathered at crime scenes (septel). Poloff expressed concern, however, at the recent jump in the number of suspects killed while being taken into custody; noted the interest of human rights groups, including the Human Rights Commission, in the issue; and advised that any evidence of human rights abuses committed by police could have negative implications for our ability to extend assistance and/or training. Wickramaratna rejoined that a magistrate had conducted an inquest into each incident to determine if any appropriate action had been taken. In 16 of the 17 cases, he said, the magistrate had ruled the killings as "justifiable homicide"; the 17th and most recent case (March 18) remains pending. (He confirmed, however, that despite claims that the suspects had attempted to attack the arresting officers, no police had been shot, stabbed or had a grenade actually thrown at them during these encounters. One police driver suffered unspecified injuries in one incident and had to be hospitalized briefly.)

COMMENT

10. (SBU) During the two decades of ethnic conflict, law enforcement efforts focused on identifying and eradicating Liberation Tigers of Tamil Eelam (LTTE) militants--efforts in which the Sri Lankan military and Special Task Force took the lead. During that time--when special anti-terrorism legislation permitted lengthy detentions without warrants or due process--little was done to upgrade the technical skills and capacity of the underpaid, under-staffed civilian police force. Since the ceasefire, however, these limitations--and the implications they pose for Sri Lanka's human rights record--are glaring. Our 2004 human rights report for Sri Lanka highlighted a new area of concern for the year: the growing number (13) of deaths of suspects while in police detention. With nearly the same number killed before they even make it into police custody in just the first three months of 2005, it is hard to find cause for optimism. That said, police authorities recognize that they must improve the skills and professionalism of their officers and are seeking (and receiving) U.S. help to do so. We will continue to monitor the situation closely.

LUNSTEAD